

Notice of Allowability

Application No.

09/884,452

Examiner

Nikita Wells

Applicant(s)

PARK, MELVIN A.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to "Amendment" received 2 March 2004.
2. ☒ The allowed claim(s) is/are 1-4, 10, 13-19, 25 and 28-37.
3. ☒ The drawings filed on 18 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nikita Wells
Primary Examiner
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DETAILED ACTION

Examiner's amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David M. Hill on April 19, 2004.

The application has been amended as follows:

In claim 29, on line 1: "claim 29" has been changed to --claim 14--.

Allowable Subject Matter

2. Claims 1-4, 10, 13-19, 25 and 28-37 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The Applicant cancelled claims 5-9, 11-12, 20-24 and 26-27; amended claims 1, 4, 10, 13-15, 18-19, 25, and 28; and added new claims 29-37; according to the "Amendment" received March 2, 2004. The Applicant presented arguments in favor of allowance of the newly amended and newly added claims, and demonstrated to the Examiner's satisfaction that, with respect to the obvious double patenting rejection over claims 1-36 of co-pending application serial no. 09/883,854, the newly presented independent claims 1 and 14 are patentably distinct from the claims presented in co-pending application. The invention claimed in co-pending application is directed at automating an atmospheric pressure ionization (API) source for a mass spectrometer

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whereby a robot interfaced with the API source retrieves and ionizes samples from any of a plurality of locations on a source tray and introduces the ions of the sample into an inlet of a mass spectrometer. This is opposed to the apparatus of the present invention, whereby the samples are collected using an externally positioned tray for holding the sample material and using a robotic interface for controlling the position of the inlet end for accepting ions produced from the sample and introducing them into a mass analyzer.

With respect to the independent claims 1, and 14, prior art fails to disclose or make obvious an apparatus where a robot controls and positions the inlet end of a capillary for receiving ions from a sample material holding tray, whereby the outlet of said capillary is positioned such that the ions are introduced into the mass analyzer.

The dependent claims 2-4, 10, 13, and 30-37 are allowed by virtue of their dependence upon claim 1. The dependent claims 15-19, 25, and 29 are allowed by virtue of their dependence upon claim 14.

Conclusion

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on (571) 272-2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Nikita Wells". The signature is fluid and cursive, with the first name "Nikita" and last name "Wells" clearly distinguishable.

Nikita Wells, Primary Examiner

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April 19, 2004